

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KARLOS L. FRYE,

Plaintiff,

v.

OFFICER OLEACHEA, et al.,

Defendants.

No. C 08-05288 CW (PR)

ORDER DIRECTING PLAINTIFF TO
PROVIDE CURRENT ADDRESS
NECESSARY TO LOCATE DEFENDANTS
LAPURGA AND CORONA

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. The Court issued an Order of Service.

Service has been ineffective on Defendants Lapurga and Corona. The Court has been informed that the litigation coordinators at Salinas Valley State Prison and Kern Valley State Prison could not accept service on behalf of Defendants Lapurga and Corona because they were not employed at either prison.

Because Plaintiff is proceeding in forma pauperis (IFP), he is responsible for providing the Court with current addresses for all Defendants so that service can be accomplished. See Walker v Sumner, 14 F.3d 1415, 1422 (9th Cir. 1994); Sellers v. United

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2 States, 902 F.2d 598, 603 (7th Cir. 1990).

3 Pursuant to Fed. R. Civ. P. 4(m), if a complaint is not served
4 within 120 days from the filing of the complaint, it may be
5 dismissed without prejudice for failure of service. When advised
6 of a problem accomplishing service, a pro se litigant proceeding
7 IFP must "attempt to remedy any apparent defects of which [he] has
8 knowledge." Rochon v. Dawson, 828 F.2d 1107, 1110 (5th Cir. 1987).
9 If the marshal is unable to effectuate service through no fault of
10 his own, e.g., because the plaintiff failed to provide sufficient
11 information or because the defendant is not where the plaintiff
12 claims, and the plaintiff is informed, the plaintiff must seek to
13 remedy the situation or face dismissal. See Walker, 14 F.3d at
14 1421-22 (prisoner failed to show cause why claims against prison
15 official should not be dismissed under Rule 4(m) because prisoner
16 did not prove that he provided marshal with sufficient information
17 to serve official or that he requested that official be served);
18 see also Del Raine v. Williford, 32 F.3d 1024, 1029-31 (7th Cir.
19 1994) (prisoner failed to show good cause for failing to effect
20 timely service on defendant because plaintiff did not provide
21 marshal with copy of amended complaint until after more than 120
22 days after it was filed).

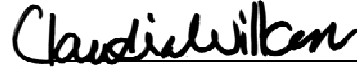
23 Service on Defendants Lapurga and Corona has been attempted
24 and has failed.

25 IT IS HEREBY ORDERED THAT within thirty (30) days of the date
26 of this Order, Plaintiff must provide the Court with a current
27 address, necessary to locate Defendants Lapurga and Corona.
28 Failure to do so shall result in the dismissal of all claims

1 against Defendants Lapurga and Corona. If Plaintiff provides the
2 Court with a current address, service shall again be attempted. If
3 service fails a second time, all claims against Defendants Lapurga
4 and Corona shall be dismissed.

5 IT IS SO ORDERED.

6 Dated: 12/9/2010



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KARLOS L FRYE,
Plaintiff,

Case Number: CV08-05288 CW

v.

CERTIFICATE OF SERVICE

OLESHEA et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 9, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Karlos L. Frye T05458
D7-129
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 93960-1050

Dated: December 9, 2010

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk

United States District Court
For the Northern District of California